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further comments are deemed necessary at this time." However, the MPEP requires the Examiner to answer all of applicants' traversal fully and fairly so that clear issues may develop and so that applicants may fairly respond to the office action. It is improper and inappropriate for the Examiner to ignore most of applicants' traversals and also to imply that the Examiner has positions which are held in reserve.

Claims 1 and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,539,887 (Vandergrift). Applicants respectfully traverse this rejection for the following reasons.

Applicants thank the Examiner for clarifying his position. Applicants are now better able to understand the Examiner's point of view and point out the errors in the Examiner's position. Namely, the Examiner appears to be conflating the two different paths with the claimed two different flow directions. The action accurately describes the two different flow paths, but incorrectly asserts that they have two different flow directions. As is clearly illustrated by the Examiner's arrows, both flow paths in Vandergrift flow in the same direction, namely predominantly counterclockwise around the cold plate. One skilled in the art would not consider two concentric flow paths to provide two different flow directions (unless of course fluid flowed clockwise in one path and counterclockwise in the other).

Because Vandergrift fails to teach at least two fluid flow paths having different flow directions between the ports 13 and 14, claims 1 and 10 are patentable over Vandergrift.

Claims 6 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Vandergrift in view of the publication allegedly made by Fraas (Fraas). Applicants respectfully traverse this rejection for the following reasons.

Applicants have not and do not insinuate that the Examiner has fabricated the publication date of the Fraas reference. In fact, applicants have consistently presumed

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that the Fraas reference is prior art as asserted by the Examiner. Applicants have merely requested that the Examiner provide a complete and clear record, with proper evidentiary basis. Applicants appreciate the Examiner's willingness to provide the date information for the Fraas reference, but unfortunately the copy of the title page did not reach the undersigned and also appears to be missing from the Public PAIR record. Likewise, applicants appreciate the Examiner's offer to visit his office to review the reference, but applicants would prefer that the Examiner simply copy the relevant chapter from Fraas (or at least 10 pages before and after the cited page together with the title page) and make the relied upon reference properly of record in this case.

Applicants previously argued that the Fraas reference appears to teach away from the proposed combination. Fraas suggests that tapered fins are not useful except for castings (e.g. see p. 33 top of second column). Vandergrift suggests a structure that is to be manufactured without casting (e.g. made from steel instead of cast iron, see col. 1, lines 10-18). Accordingly, based on the teaching of Fraas, one of ordinary skill in the art would not be motivated to use tapered fins in the device of Vandergrift. The Examiner has not answered and appears to concede this argument. Accordingly, the rejection should be withdrawn.

Claims 19 and 25-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Vandergrift in view of U.S. Patent No. 5,198,752 (Miyata). Applicants respectfully traverse this rejection for the following reasons.

Claim 19 recites, among other things, at least two fluid flow paths having different flow directions between the fluid inlet and the fluid outlet. For the reasons given above in connection with claims 1 and 10, Vandergrift fails to teach or suggest this claim recitation. Miyata fails to make up for the deficiency in Vandergrift.

Accordingly, because the Examiner fails to establish a prima facie case, and because the references, individually and in combination, fail to teach or suggest at least two fluid flow paths having different flow directions between the fluid inlet and the fluid

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outlet, claim 19 is patentable over Vandergrift in view of Miyata. Dependent claims 25 and 26 are likewise patentable.

With respect to claims 25-26, MPEP § 2112 sets forth the burdens on the Examiner required to prove inherency. The Examiner still fails to meet these burdens. In the Examiner's response to arguments, the Examiner appears to be arguing along the lines of official notice, not inherency.

Claims 1-5 and 10-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 1,413,571 (Bronander) in view of U.S. Patent No. 4,085,728 (Tomchak). Applicants respectfully traverse this rejection for the following reasons.

The office action asserts "Bronander discloses all the claim limitations except first and second members having channels wall." This statement is factually and legally clearly erroneous. The office fails to address every recitation of each of claims 1-5 and 10-14, and accordingly fails to establish even a prima facie case of obviousness.

Moreover, the references are not properly combinable. The office action asserts that the references describe analogous art. This is incorrect. Bronander describes a phonograph record die holder while Tomchak describes a solar energy heater. One skilled in the art would not look to make an improved cold plate by combining the fields of record die holders and solar energy heaters.

Moreover, the office action illustrates the use of improper hindsight construction to provide the alleged motivation to combine these references. The office action asserts that Tomchak suggests using two sets of channel walls for the purpose of ease of manufacturer because when the fluid flow path is small it is easier to form channels from two separate members. In fact, Tomchak provides no such teaching and the office action fails to provide any textual reference for this purported teaching. It is telling that this teaching actually comes from applicants' own specification at paragraph [0037] spanning pages 7 and 8. Tomchak does not suggest that it is easier to manufacturer the baffles 26,

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27 and ribs 30 separately and in fact suggests that they could just as readily be manufactured integrally (see col. 4, lines 14-16).

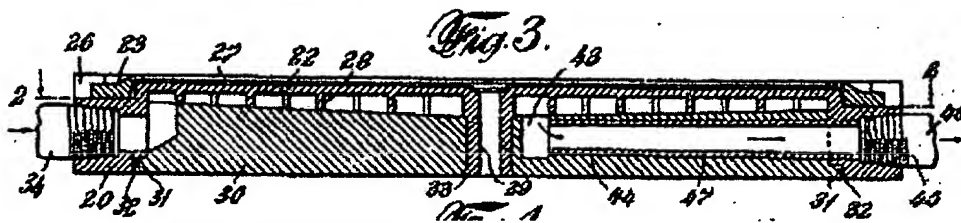
Accordingly, there is no motivation to combine the references and the purported suggestion to modify the references as proposed appears to come only from applicants' own teachings.

Because the Examiner fails to establish a prima facie case of obviousness, and because there is no motivation to combine the non-analogous references, and because there is no suggestion in either reference to make the proposed modification, claims 1-5 and 10-14 are patentable over Bronander in view of Tomchak.

With respect to claims 4 and 13, the office action completely fails to address the recitations of these claims. Accordingly, the Examiner fails to establish a prima facie case of obviousness for claims 4 and 13. In any event, Bronander and Tomchak each disclose only two flow paths, not the recited four non-linear flow paths having different flow directions between the fluid inlet and the fluid outlet. Because the Examiner fails to establish a prima facie case of obviousness, and because the cited references fail to teach or suggest four non-linear flow paths having different flow directions between the fluid inlet and the fluid outlet, claims 4, and 13 are separately patentable over Bronander in view of Tomchak.

With respect to claims 5 and 14, there is no inlet at the center of the structure described in Bronander. The outlet port 43 is located off-center. A boss 29 is located at the center of the holder 20. Fig. 3 from Bronander clearly illustrates that the center of the phonograph record die holder 20 is plugged by the boss 29 and the outlet 43 is off-center:

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Because Bronander fails to teach or suggest the inlet 34 (or the outlet 43) at a center of the holder 20, claims 5 and 14 are separately patentable over Bronander in view of Tomchak.

Claims 19-23 and 25-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bronander in view of Tomchak, and further in view of Miyata. Applicants respectfully traverse this rejection for the following reasons.

For the reasons given above with respect to claims 1-5 and 10-14, Bronander and Tomchak cannot be properly combined to make even a prima case of obviousness. Moreover, all three references are non-analogous (Bronander - record die holder; Tomchak - solar energy heater; Miyata - electric probe test machine having a cooling system).

With respect to claims 22 and 23, for the reasons given above with respect to claims 4 and 5, the office action fails to establish a prima facie case of obviousness for these claims.

Claim 24 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bronander in view of Tomchak, further in view of Miyata, and further in view of Fraas. Applicants respectfully traverse this rejection for the following reasons.

For the reasons given above with respect to claims 1-5 and 10-14, Bronander and Tomchak cannot be properly combined to make even a prima case of obviousness. Moreover, all three references are non-analogous (Bronander - record die holder;

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Tomchak - solar energy heater; Miyata - electric probe test machine having a cooling system). For the reasons given above with respect to claim 6, Fraas teaches away from the combination (the die in Bronander also appears to be a casting).

In view of the foregoing, favorable reconsideration and withdrawal of the rejections is respectfully requested. Early notification of the same is earnestly solicited. If there are any questions regarding the present application, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

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